IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.CJ.

NOTICE OF MOTION NO.2029 OF 2006
IN
APPEAL (LODGING) NO. 394 OF 2006
IN
NOTICE OF MOTION NO.3788 OF 2004
IN
SUIT NO.3591 OF 2004

IMI Norgren Inc. .. Appellant
v/s.
Shavo Norgren (I) Pvt.Ltd. And others. .. Respondents

Mr. Shekhar Shete i/by M/s.Gajria & Co. for the Appellant.

Mr. S.V. Mehta i/by M/s. Malvi Ranchoddas & Co. for the respondents.

CORAM : R.M.LODHA &
S.A.BOBDE, JJ.

DATED : 18TH SEPTEMBER, 2006.

P.C.

Heard.

2. The appeal suffers from delay of 74 days.

3. In para 5 of the affidavit in support of the notice of motion, the following statement is made:-

> "5. I say that application for certified copy of the order was filed on 17.1.2006 and was received on 25.1.2006. In turn I had to obtain instructions from my Clients in USA. They in turn had to obtain instructions from their Legal

> Department based in USA. I say that after the order was communicated to the Appellant they had to seek advice from me. As I am based in Delhi I in turn had to seek advice of our local lawyers. This whole process took some time and hence the appeal could not be filed within time."

4. The aforesaid explanation constitutes sufficient cause and explains delay of 74 days. There is no merit in the submission of the counsel for the respondent that since the application for condonation of delay was not filed simultaneously with the appeal and it was filed on 28th June, 2006, the appellant was required to explain the delay upto that date and not upto the date of filing of the appeal.

5. Since the appellant has been able to make out sufficient cause for filing the appeal belatedly, we condone the delay in filing the appeal.

6. Office to process the appeal and post it for admission as soon as numbered.

Notice of motion stands disposed of.

(R.M.LODHA, J.)

(S.A.BOBDE, J.)